

AN ACT

ENTITLED, An Act to revise certain provisions regarding the disposal of certain abandoned vehicles and certain impounded vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 32-30-15 be amended to read as follows:

32-30-15. Any removal agency as defined by § 32-36-2 which has removed an abandoned or wrecked vehicle pursuant to this chapter or a vehicle impounded pursuant to § 32-30-19 shall comply with the provisions of § 32-36-8 to notify the registered owner, and if encumbered, the lien holder of the vehicle. If no person claims the vehicle within thirty days of that notice, the provisions of §§ 32-36-9 and 32-36-11 shall apply to the disposal of the vehicle.

Section 2. That § 32-30-18 be amended to read as follows:

32-30-18. The sheriff, law enforcement officer, or towing agency taking custody of any vehicle under the provisions of §§ 32-30-12 to 32-30-17, inclusive, § 32-30-19, and § 32-36-4 shall have a possessory lien on the vehicle for the reasonable costs in taking custody and storing of the vehicle.

Section 3. That § 32-36-2 be amended to read as follows:

32-36-2. Terms used in this chapter mean:

- (1) "Abandoned motor vehicle," any motor vehicle left on a public street or highway or left on private property without the permission of the landowner or tenant;
- (2) "Junk motor vehicle," any motor vehicle which has been placed on the property of a recognized junk dealer for the purposes of salvage;
- (3) "Motor vehicle," automobiles, motor trucks, motorcycles, house trailers, trailer coaches, cabin trailers and all vehicles propelled by power other than muscular power, except traction engines, road rollers, fire trucks, wagons and engines, police and patrol wagons, farm wagons, freight trailers and such vehicles as run only on rails or tracks;
- (4) "Removal agency," any public body, private or nonprofit organization authorized to

remove and salvage abandoned and junk motor vehicles and other scrap metals. The removal agency may be authorized by chapter 32-30 to remove vehicles, may be hired or appointed by a public body or may be in the business of removing or salvaging vehicles;

- (5) "Scrap metals," waste or refuse metals that have been in actual use and have been abandoned and are fit only to be remanufactured or recycled;
- (6) "Impounded vehicle," any vehicle removed or caused to be removed from a public highway pursuant to § 32-30-19.

Section 4. That § 32-36-8 be amended to read as follows:

32-36-8. Within forty-five days after any abandoned or junk motor vehicle, any wrecked vehicle as provided by § 32-30-14, or any impounded vehicle, or other scrap metal has been removed, the removal agency shall send written notice by certified mail to the registered owner, if any, of the abandoned or junk motor vehicle, wrecked vehicle, or scrap metal and to all readily identifiable lien holders of record at their last known address. If the removal agency does not give notice within ten days from the date of removal, no storage may be charged beyond the ten-day period until the notice is mailed. The notice shall set forth the date and place of the taking, the year, the make, model and serial number of the abandoned or wrecked motor vehicle and the place where the vehicle is being held, and shall inform the owner and any lien holders of their right to reclaim the vehicle under § 32-36-9. The notice shall be on a form provided by the Department of Revenue.

If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was abandoned or wrecked. Published notices may be grouped together for convenience and economy.

A violation of this section is a Class 2 misdemeanor.

Section 5. That § 32-36-9 be amended to read as follows:

32-36-9. Notwithstanding any statutes to the contrary, title to any abandoned or junk motor

vehicle, any impounded vehicle, or other scrap metal shall vest in the removal agency after a period of thirty days from the date on which notice was sent under § 32-36-8. The record holder of title or the lienholder may reclaim the motor vehicle or other scrap metal. The lienholder and record holder of title shall notify the department in writing within thirty days of their intent to reclaim the motor vehicle. However, if the record holder of title fails to claim and remove the motor vehicle or other scrap metal within thirty days after mailing of notice, title to the vehicle is irrevocably vested in the removal agency.

Section 6. That § 32-36-10 be repealed.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1324

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1324
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State